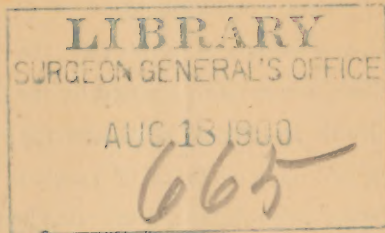


Clark (J. M.)



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Bible House, New York :

DEAR SIR, — I regret to be obliged to decline your invitation to participate in the proceedings of a "National Congress on Penitentiary and Reformatory Discipline," to be held in Cincinnati in October, by reason of the pressure of official duties at this time.

The order of the papers to be read, and the proposed discussions concerning the prison systems in monarchical countries, as indicated by the "programme of proceedings," incline me to express some of my own views.

Never having been in Europe, I have no personal knowledge of the workings of the several European systems. But I am of the decided opinion that prisons should be used to deter others from the commission of crime, rather than to reform the prisoner. Inasmuch as such systems proceed on the plan of reforming the prisoner, I have more faith in the goodness of their purpose than in its wisdom or practicability. While the prisoner should be morally, mentally and physically well cared for, the time for his reform is, in my opinion, before or after his imprisonment.

With proper rules for the government, moral and mental training, and development of industrious habits, the only "mark-

system" I should recommend the adoption of, is that by which a gradual reduction would be made in the term of imprisonment for special merit or general good behavior.

In this State, and especially in this city, the "probation plan," so called, has been commonly practised by the criminal courts for many years. By it, an offender arraigned for a first offence, upon pleading guilty, and upon evidence of previous good character, is permitted to depart on probation, first giving bonds for future good behavior. The complaint against him is placed on file, there to remain, unless he is again arraigned upon some equally grave complaint. If he be poor and unable to procure a surety, the chaplain of our jail is allowed to become such, and in such case the government practically obtains control of the offender. If the condition of probation be violated, the surety can of course surrender his principal at any time. I believe this system to be judicious and salutary. It is within my own knowledge, that many boys and young men and women have been reformed by its application, and consequently without the ineradicable stigma of prison punishment.

Offences should be elaborately classified, and every crime punishable by the laws should have a fixed, equal penalty, not variable at the discretion of Judges, who, being human, naturally entertain different views of crime and punishment, and impose sentences according to their own ideas; the result of which is that at one term of court the punishment for a certain crime is fixed at eight or nine months imprisonment, and at the next term, for a like offence under similar conditions, at eighteen or twenty-four months. In longer sentences imposed for the heavier grades of crime, the disparity is much greater.

The administration of criminal justice should be speedy, certain and equal. The lack of these essential conditions in our country

tends to increase crime and give prisoners just and lamentable reasons to complain ; and the great delay in the trial of notorious criminal cases brings the administration of criminal justice into contempt.

Crime generates and grows largely in cities, and the grosser crimes are found most frequently where the victims of poverty and ignorance are obliged to dwell, in thickly populated lanes and alleys, where the light of the sun never enters, where disease and death reign, and whence pour the streams that fill the jails and prisons.

Reform the evil before it manifests itself to the public detriment ; do not wait for reform until crime is committed and prison life or death begun. Find remunerative employment for the poor, better and cheaper food, better and more healthful homes ; let in the light and sun where the shades of death now hide wretchedness and crime ; give pure water for the poor freely to " wash and be clean " ; free lectures ; free churches. We have plenty of courses of lectures for the fashionable and well-dressed, who can pay, but none for the poor ; few or no churches for them, and, if any, so ornamented and arranged that the poor are made ashamed of their poverty, and therefore refuse to attend them. By this I do not mean to be understood that the poor and wretched are the only criminals, but the poor and forsaken can be reached by proper measures, and others may be deterred or punished by a better enforcement and more equal execution of the laws.

I believe ninety per cent of all prisoners are susceptible to kindness, and would reform if they could. Many find the first words of sympathy and encouragement to reformation in prison ; poverty and intemperance debar them from all other sources of human sympathy, and lead them to crime and prison.

The greater proportion of women who appear the most vicious and degraded while in their haunts of vice, become gentle, penitent and desirous to reform after they have been committed to prison, and become freed in body and mind from the effects of dissipation ; but when their term of imprisonment has ended, where shall they go for support in their good resolutions? Who will receive them into their homes? There is but one place to which they can go — back into the dens of vice, where they find the only friends they have outside the prison. To them they go, only to come and go again until death. While in prison they have numerous friends, and I have heard many prisoners say they were never so happy before ; but who are their friends out of prison?

Men who out of prison are idle and dissipated, and do not or will not work except as necessity compels them to, for existence, are willing, industrious and faithful workers in prison ; they are well behaved, and give promise of reform. Where shall *these* go when discharged? They have no friends, no money, society offers them neither encouragement nor sympathy ; and they come back to go out again in the same way. The poor, the wretched, the forsaken, have plenty of friends *after* they have committed crime and while they are in prison ; but who takes them by the hand, who furnishes food and clothing, education and employment for them *before* they come to prison, or after they are discharged?

A man arrested for larceny pleaded guilty, saying he could not get work, and stole to get food for his wife and six children, and asked for mercy. The Judge said, "How many children must a man have to excuse him from punishment for larceny!" and sent him to prison. The great Commonwealth, by its officers, committed him to prison, furnished him with profitable employment,

kept his earnings, that the institution might be a paying or self-supporting one, and left his wife and six children to the cold mercies of the world, or the alms-house. I believe it was a greater larceny for the Commonwealth to compel this man to work, and deprive his family of his earnings, or a portion of them, than the one he committed to buy them food.

The rich, the strong, the fortunate and the pure are bound by the ties of a common humanity, to aid and assist the poor, the weak, the unfortunate and the debased; and the latter are, or should be, the wards of the former.

If you would encourage a prisoner to be honest and industrious after his discharge, give him or his family while he is a prisoner, or secure to him upon his discharge, if he has no family, a just proportion, or all of his earnings in prison. Liberty is sweet—'tis that the prisoner most often sighs for. The ignominy of sentence and imprisonment for crime is degrading, and punishment enough, without the additional torture of depriving him or his suffering family of his earnings. It is a question worthy of grave consideration, whether one man or one corporation shall aggregate the profits of the labor of hundreds of other men; but it is no question "it is a shame to our Christianity and civilization," for a commonwealth to appropriate all the earnings of a prisoner.

Everything now tends towards centralization. Railroads consolidate into great lines of monopoly, and control legislation. Capital is consolidated into vast monopolies in various forms. Families aggregate in monstrous hotels or tenement houses; being either too rich, or too proud, or too poor to work in separate households; and the nation and the commonwealth appear to be following their bad example.

All power emanates from the people; but when the people have

yielded up all their power, and it is consolidated and centralized in the hands of a few, it will be very difficult to regain it.

The barriers set up by the Fathers were for protection to the people against despotism. Consolidated alms-houses and consolidated prisons, with centralized governments, will, in time, lead to tyranny and despotism. Each town should support its own poor, — not send them to a great pauper establishment of a State, which makes too public an exhibition of poverty and destitution, and increases both. If it is right for a State to centralize its prisoners and consolidate its prisons, why not go further, and have the nation centralize, classify and consolidate, and thus exile the prisoner from father, mother, husband, wife or children?

The Justices of the United States Courts now wisely allow the proper friends of a prisoner to suggest to which of the jails in this commonwealth he shall be sent, that they may be near to him to visit and console him, or find melancholy comfort from time to time beholding his face.

Have the poor and the ignorant no feelings that the rich and influential are bound to respect? Must everything be given up to "system"? Must they wait until the prison gates have closed upon them before they can have the benefits of "sanitary science," "sunlight, air and water," "wholesome rations," "comfortable clothing," etc.? What if a committee on prison discipline in the British Parliament declared that "it is desirable that the legislature should intrust increased power to some central authority"; does *that* make it desirable? Because a monarchy centralizes, should we follow its example? The argument of your forty-first "Principle of Prison Discipline," to be consistent, should also recommend that the governments of towns, cities and states be abolished, and "some central and supreme authority sit at the helm, guiding, controlling the whole."

The fact is, we are being governed to a dangerous extent. More personal, practical humanity — more interest in the poor and debased out of jail and before they enter it, and less of bureaus, centralizations and consolidations, and there would be less crime and fewer prisoners.

The declarations in the twelfth "Principle" are at variance with my opinions and experience. Within my knowledge and observation, there is on the part of prison officers a hearty desire and intention to aid in the reformation of prisoners. If your assertions are true, they are terrible reflections upon the people of our Christian commonwealths, that men capable of being, or now permitted to be, prison officers, could be so heartless.

Undoubtedly there are individual cases of unfitness, — there may be unfitness elsewhere, — but this sweeping charge against prison officers is unjust and untrue.

I know that there are officers of prisons who think of, work for, and aid in, the reformation of prisoners. I do not *know* of any with whom "doubt is the prelude to failure."

There is a general disposition to find fault with every system and everything that exists, and a continual craving for some new thing. A restless desire to invent something; if it cannot be a machine, it must be a new system of governing.

If a good law which is unpopular in a certain locality is not thoroughly executed by the local officers, instead of aiding the officers, who would cheerfully execute the law if obliged to, a new centralized system is established; and yet the law is little better executed, simply because the officers under the new system are men like the former, and are no more obliged than they to enforce it, except as policy or politics demand.

I have written desultorily, yet conscientiously. Trusting that

the "National Congress" will be largely attended by men who have had practical experience in superintending and governing prisons, with all classes of prisoners, and that the discussions may result in good for the reformation of the criminal classes, I close, with the conviction in my mind, from long personal observation and experience, that reform, to be effective, must begin before the criminal enters prison.

Very respectfully,

JOHN M. CLARK.

BOSTON, September 25, 1870.